

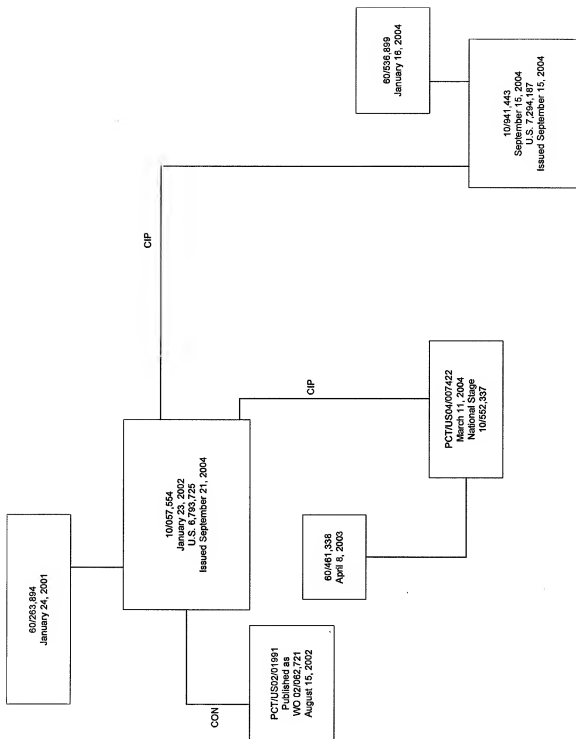
REMARKS

Examiner Gitomer is thanked for his careful review of the present patent application.

As an initial matter, by way of this amendment, a clerical error in claim 3 has been corrected, and claim 26 has been added to specify glycerin. No new matter has been added by way of these amendments. The claims have been amended to specify that the composition is substantially anhydrous, and that the organic acid is provided for the purposes of accelerating hardening when the composition is exposed to water at a delivery site (this as compared to the composition in the absence of such acid). Full support for these limitations can be found throughout the specification (see, e.g., page 5, lines 6-7 and page 2, penultimate paragraph).

New claims have been added. Full support for the newly added claims can be found, for instance, at page 5, third full paragraph.

With regard to the art rejection, it is respectfully submitted that the cited patent, U.S. 7,294,187, is not available as prior art as against the claims to the present application, and withdrawal of the rejection over this patent is requested on this basis. This application is one of several related applications, and the undersigned appreciates that the relationship between these applications may not have been clear to the Examiner at the time of issuance of the Office Action. For the convenience of the Examiner, a chart that illustrates graphically the relationship between these applications is provided hereunder. This application is the national stage of application PCT/US04/007422 and also claims the benefit as a continuation-in-part of application 10/057,554. The Office Action errs in stating that "priority is granted to the filing date of this application only at time, 7/21/06." In fact, because this application is the national stage of an international application filed on March 11, 2004, the present application is deemed to have been filed as of that date. Neither the National Stage Entry date (October 2005) nor the date on which the Declaration was filed (July 21, 2006) are relevant in this regard. The applications are related as follows:



The '187 patent was filed on September 15, 2004, which is after the March 11, 2004 filing date of the present application. The '187 patent, prior application 60/536,899, and the present application each name the same inventive entity (Chow and Tagaki). As will be evident from the above, the cited '187 patent cannot be deemed prior art to the present application under any subsection of Section 102. Application PCT/US02/01991 is not deemed to preclude patentability of the claimed invention.

With regards to the Section 112 rejection, applicants respectfully traverse, particularly in light of the claim amendments. The specification provides that the organic acid is useful in an accelerating cement hardening when the composition is exposed to water (see, e.g., page 2). Additionally, the specification provides a theorized mechanism by which the organic acid provides this function (see paragraph bridging page 4-5). It is known in the art that some organic acids will form calcium compounds that are very soluble, or that otherwise would not accelerate hardening upon exposure of the composition to water. The specification provides numerous examples of organic acids that would work in accordance with the claimed invention. A person skilled in the art readily would be able to follow the teachings of the specification to determine which acids are suitable and which are not suitable. Accordingly, withdrawal of this claim rejection is respectfully solicited.

The examiner is requested to review the art cited in the recently filed Information Disclosure Statement. It is believed that the presently claimed invention distinguishes over this prior art and that no new art rejection should be entered. Accordingly, allowance is respectfully solicited.

Finally, in the Office's PAIR system, the priority claims in the present application is not complete. The chain of priority extends to prior provisional application 60/263,894. The Examiner is respectfully requested to take steps appropriate to cause same to be reflected.

Again, the efforts of the Examiner are appreciated. Please call the undersigned with any questions or comments on the foregoing.

Respectfully submitted,

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